IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 36304 of 2007(V)

PETITIONER:

RACHEL K.VARGHESE, W/O. VARKEY VARGHESE,
KEECHERIL VEEDU, PARIYARAM MURI, MALLAPPALLY.

BY ADV. SRI.S.SUBHASH CHAND
SRI.JOSE P.GEORGE

RESPONDENTS:

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1. MALLAPPALLY GRAMA PANCHAYAT (SPECIAL GRADE), MALLAPPALLY WEST P.O., PATHANAMTHITTA, REPRESENTED BY ITS SECRETARY.

2. SPECIAL GRADE SECRETARY, MALLAPPALLY GRAMA PANCHAYAT (SPECIAL GRADE), MALLAPPALLY WEST P.O., PATHANAMTHITTA.

3. ZEENATH BEEVI, W/O. LATE SIDDIQUE MUSALIAR, VANCHIPUZHA VEEDU, HOUSE NO.1/98, KOTTANGAL, PADIMON, MALLAPPALLY.

4. KHADEEJA BEEVI, D/O. LATE SIDDIQUE MUSALIAR, VANCHIPUZHA VEEDU, HOUSE NO.1/98, KOTTANGAL, PADIMON, MALLAPPALLY.

5. ABDUL SALAM, S/O. LATE SIDDIQUE MUSALIAR, VANCHIPUZHA VEEDU, HOUSE NO.1/98, KOTTANGAL, PADIMON, MALLAPPALLY.

6. SHAJAHAN, S/O. LATE SIDDIQUE MUSALIAR, VANCHIPUZHA VEEDU, HOUSE NO.1/98, KOTTANGAL, PADIMON, MALLAPPALLY.

7. NOUSHRADEEN, S/O. LATE SIDDIQUE MUSALIAR, VANCHIPUZHA VEEDU, HOUSE NO.1/98, KOTTANGAL, PADIMON, MALLAPPALLY.

8. NISAB MUSALIAR, S/O. LATE SIDDIQUE
MUSALIAR, VANCHIPUZHA VEEDU, HOUSE NO.1/98,
KOTTANGAL, PADIMON, MALLAPPALLY.

9. NAZEEM, S/O. LATE SIDDIQUE MUSALIAR,
VANCHIPUZHA VEEDU, HOUSE NO.1/98,
KOTTANGAL, PADIMON, MALLAPPALLY.
(MINOR REPRESENTED BY HIS MOTHER ZEENATH BEEVI,
RESPONDENT NO.3).

R1-R2 BY ADV.MR.SIBY MATHEW, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C) No.36304 of 2007

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Dated: 7th December, 2007

JUDGMENT

Adv.Mr.Siby Mathew takes notice for respondents 1 and 2.

2. I do not propose to go into the merits of the matter. Ext.P5 is seen pending before the 1st respondent-Panchayat. The complaint in Ext.P5 is that respondents 3 to 9 conducting business without any licence from the Panchayat. As a matter of fact, voicing a similar complaint Ext.P2 had been submitted by the petitioner as early as on 15.1.2006. Ext.P4 will show that the applications submitted by respondents for licence has now been rejected by the Panchayat. Thus, it appears to me that respondent Nos.3 to 9 are conducting business within the area of the 1st respondent-Panchayat without any licence whatsoever. Under these circumstances, I dispose of the Writ Petition issuing the following directions:

The 1st respondent will take up Exts.P2 and P5 immediately, consider the same in the light of various grounds raised in the Writ Petition, issue notice to respondents 3 to 9 and take action as is warranted by law in respect of the business activities which are carried on by respondents 3 to 9. Needful as directed above shall be

done by respondents 1 and 2 at the earliest and at any rate within one month of receiving copy of the judgment.

srd **PIUS C.KURIAKOSE, JUDGE**